

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

E*TRADE Securities LLC,
Plaintiff,

v.
Deutsche Bank AG et al.,
Defendants.

E*TRADE Securities LLC as assignee of
Fiserv Securities, Inc.,
Plaintiff,

v.
Nomura Canada, Inc. et al.,
Defendants.

Civil No. 02-3711 (RHK/AJB)

ORDER

Civil No. 03-5311 (RHK/AJB)

BASED UPON THE STIPULATIONS (Civil No. 02-3711, Doc. No. 900, Civil No. 03-5311, Doc. No. 477), **IT IS ORDERED** that all claims by E*TRADE Securities LLC against James Smith in the above-entitled actions are hereby **DISMISSED WITH PREJUDICE**, without further costs, disbursements or attorneys' fees to any party.

Dated: September 8, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge